

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, APRIL 3, 2012

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JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 3, 2012

The Senate met in regular session at 9:04 a.m., President Kibbie presiding.

Prayer was offered by Pastor Matt Larson of the Burr Oak and Hesper Lutheran Churches in Decorah, Iowa. He was the guest of Senator Wilhelm.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Mackenzie Bills.

The Journal of Monday, April 2, 2012, was approved.

RECESS

On motion of Senator Gronstal, the Senate recessed at 9:08 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:10 p.m., President Kibbie presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Bertrand, until he arrives, on request of Senator Zaun; and Senator Horn, until he arrives, on request of Senator Fraise.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration Senate Files 2330 and 2329.

Senate File 2330

On motion of Senator Dotzler, **Senate File 2330**, a bill for an act relating to retailers maintaining a place of business in this state for purposes of the collection of sales and use taxes, agreements relating to the collection of sales and use taxes in the state, and sales of tangible personal property and services to the state, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (**S.F. 2330**), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Bertrand	Horn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

[Senate File 2329](#)

On motion of Senator Dotzler, [Senate File 2329](#), a bill for an act relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site, was taken up for consideration.

Senator Chelgren asked and received unanimous consent that action on [Senate File 2329](#) be **deferred**.

CONSIDERATION OF BILL
(Appropriations Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2327](#).

[Senate File 2327](#)

On motion of Senator Danielson, [Senate File 2327](#), a bill for an act providing for charitable food donations to food banks and similar organizations, including by providing for a tax credit and including effective date and applicability provisions, was taken up for consideration.

Senator Danielson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2327](#)), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Bertrand Horn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Gronstal asked and received unanimous consent to take up for consideration [Senate File 2325](#).

[Senate File 2325](#)

On motion of Senator Mathis, [Senate File 2325](#), a bill for an act relating to the income tax checkoffs for the child abuse prevention program fund and the veterans trust fund and volunteer fire fighter preparedness fund, and including retroactive applicability provisions, was taken up for consideration.

Senator Mathis moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” ([S.F. 2325](#)), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Bertrand Horn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2325, 2327, and 2330** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 413](#)

Senator Jochum called up for consideration [Senate File 413](#), a bill for an act relating to financial responsibilities of local emergency management commissions, amended by the House in House amendment [S-5142](#), filed March 28, 2012.

Senator Jochum moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Jochum moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 413](#)), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour

Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Bertrand Horn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT CONSIDERED

[Senate File 2321](#)

Senator Schoenjahn called up for consideration [Senate File 2321](#), a bill for an act relating to the funding of, the operation of, and appropriation of moneys to the college student aid commission, the department for the blind, the department of education, and the state board of regents, and providing effective date provisions, amended by the House in House amendment [S-5145](#), filed March 28, 2012.

Senator Schoenjahn moved that the Senate concur and vote “No” in the House amendment.

The motion failed by a voice vote and the Senate **refused to concur** in the House amendment.

HOUSE AMENDMENT CONSIDERED

[Senate File 2289](#)

Senator Hatch called up for consideration [Senate File 2289](#), a bill for an act relating to the Iowa disaster aid individual assistance grant program administered by the department of human services, amended by the House in House amendment [S-5150](#), filed March 28, 2012.

Senator Hatch moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Hatch moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2289](#)), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Bertrand	Horn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 413, 2289, and 2321** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

[Senate File 2317](#)

Senator Black called up for consideration [Senate File 2317](#), a bill for an act relating to the issuance of hunting and fishing licenses and providing for fees, amended by the House in House amendment [S-5152](#), filed March 29, 2012.

Senator Sorenson asked and received unanimous consent that action on amendment [S-5152](#) and [Senate File 2317](#) be **deferred**.

HOUSE AMENDMENT CONSIDERED

[Senate File 2216](#)

Senator McCoy called up for consideration [Senate File 2216](#), a bill for an act relating to the registration of motor trucks, truck tractors, trailers, and semitrailers and providing for apportioned registration of commercial motor vehicles under the international registration plan, and including implementation provisions, amended by the House in House amendment [S-5144](#), filed March 28, 2012.

Senator McCoy moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator McCoy moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2216](#)), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour

Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Bertrand Horn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

HOUSE AMENDMENT CONSIDERED

[Senate File 2245](#)

Senator Sodders called up for consideration [Senate File 2245](#), a bill for an act requiring a study and report on the establishment of a dual diagnosis treatment program for posttraumatic stress at the Iowa veterans home, amended by the House in House amendment [S-5149](#), filed March 28, 2012.

Senator Sodders moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Sodders moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2245](#)), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng

Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward
Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Bertrand Horn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that **Senate Files 2216** and **2245** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENT

In accordance with Senate Rule 59, Senator Gronstal called up the following eligible appointee on the En Bloc Confirmation Calendar:

Joellen Jenson, Board of Chiropractic

Senator Gronstal moved that the foregoing appointee be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward

Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Bertrand	Horn
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The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

HOUSE AMENDMENT CONSIDERED

[Senate File 2208](#)

Senator Fraise called up for consideration [Senate File 2208](#), a bill for an act relating to the confidentiality of an arrest warrant, amended by the House in House amendment [S-5143](#), filed March 28, 2012.

Senator Fraise moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Fraise moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2208](#)), the vote was:

Yeas, 48:

Anderson	Dearden	Hatch	Ragan
Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Soddors
Bolkcom	Greiner	Kibbie	Sorenson
Bowman	Gronstal	Mathis	Ward

Chelgren	Hahn	McCoy	Whitver
Courtney	Hamerlinck	McKinley	Wilhelm
Danielson	Hancock	Quirnbach	Zaun

Nays, none.

Absent, 2:

Bertrand	Horn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED

[House File 2292](#)

Senator Fraise called up for consideration [House File 2292](#), a bill for an act relating to confinement feeding operations confining fish, and making penalties applicable, amended by the Senate and further amended by the House in House amendment [S-5154](#) to Senate amendment [H-8370](#), filed March 29, 2012.

Senator Fraise moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Fraise moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question “Shall the bill pass?” ([H.F. 2292](#)), the vote was:

Yeas, 45:

Bacon	Dix	Hogg	Rielly
Bartz	Dotzler	Houser	Schoenjahn
Beall	Dvorsky	Jochum	Seng
Behn	Ernst	Johnson	Seymour
Black	Feenstra	Kapucian	Smith
Boettger	Fraise	Kettering	Sodders

Bolkcom	Greiner	Kibbie	Ward
Bowman	Gronstal	Mathis	Wilhelm
Chelgren	Hahn	McCoy	Zaun
Courtney	Hamerlinck	McKinley	
Danielson	Hancock	Quirnbach	
Dearden	Hatch	Ragan	

Nays, 3:

Anderson	Sorenson	Whitver
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Absent, 2:

Bertrand	Horn
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2208](#) and [House File 2292](#) be **immediately messaged** to the House.

BUSINESS PENDING

[Senate File 2329](#)

The Senate resumed consideration of [Senate File 2329](#), a bill for an act relating to the rebate of state sales tax to the owner or operator of a baseball and softball tournament facility and movie site, previously deferred.

Senator Chelgren offered amendment [S-5162](#), filed by him from the floor to page 3 of the bill.

(Amendment [S-5162](#) and [Senate File 2329](#) were deferred.)

The Senate stood at ease at 2:15 p.m. until the fall of the gavel for the purpose of a Republican party caucus.

The Senate resumed session at 2:27 p.m., President Kibbie presiding.

The Senate resumed consideration of amendment [S-5162](#) and [Senate File 2329](#), previously deferred.

Senator Chelgren moved the adoption of amendment [S-5162](#).

A record roll call was requested.

On the question "Shall amendment [S-5162](#) be adopted? ([S.F. 2329](#)), the vote was:

Yeas, 13:

Behn	Greiner	Seymour	Zaun
Boettger	Hahn	Smith	
Chelgren	Kettering	Ward	
Ernst	McKinley	Whitver	

Nays, 35:

Anderson	Dearden	Hatch	Quirnbach
Bacon	Dix	Hogg	Ragan
Bartz	Dotzler	Houser	Rielly
Beall	Dvorsky	Jochum	Schoenjahn
Black	Feenstra	Johnson	Seng
Bolkcom	Fraise	Kapucian	Sodders
Bowman	Gronstal	Kibbie	Sorenson
Courtney	Hamerlinck	Mathis	Wilhelm
Danielson	Hancock	McCoy	

Absent, 2:

Bertrand	Horn
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Amendment [S-5162](#) lost.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" ([S.F. 2329](#)), the vote was:

Yeas, 34:

Anderson	Danielson	Hatch	Quirnbach
Bacon	Dotzler	Hogg	Ragan
Bartz	Dvorsky	Houser	Rielly
Beall	Feenstra	Jochum	Schoenjahn
Black	Fraise	Johnson	Seng

Boettger	Greiner	Kapucian	Sodders
Bolkcom	Gronstal	Kibbie	Wilhelm
Bowman	Hahn	Mathis	
Courtney	Hancock	McCoy	

Nays, 14:

Behn	Ernst	Seymour	Whitver
Chelgren	Hamerlinck	Smith	Zaun
Dearden	Kettering	Sorenson	
Dix	McKinley	Ward	

Absent, 2:

Bertrand Horn

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gronstal asked and received unanimous consent that [Senate File 2329](#) be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 3, 2012, **passed** the following bill in which the concurrence of the House was asked:

[Senate File 2217](#), a bill for an act relating to flood mitigation by establishing a flood mitigation program, establishing a flood mitigation board, authorizing the use of certain sales tax revenue and other financial assistance for flood mitigation projects, establishing a flood mitigation fund, authorizing the issuance of bonds for certain flood mitigation projects, providing for appropriations, and including effective date provisions.

ALSO: That the House has on April 3, 2012, **receded** from the House amendment **and passed** the following bill in which the concurrence of the House was asked:

[Senate File 2312](#), a bill for an act relating to persons with mental health illnesses and substance-related disorders.

ALSO: That the House has on April 3, 2012, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

[House File 2427](#), a bill for an act relating to electrical and mechanical amusement devices concerning liability for device distributors and penalties for awarding cash prizes for the use of, or for failing to include a security mechanism on, electrical or mechanical amusement devices.

ALSO: That the House has on April 3, 2012, **amended and passed** the following bills in which the concurrence of the Senate is asked:

[Senate File 2311](#), A bill for an act revising provisions affecting the administration of the department of agriculture and land stewardship, including associated regulations and licensing, as it relates to biofuels, weather and market information, internet publications, soil and water conservation, feed, vaccinations, tuberculosis, brucellosis, classical swine fever, Johne's disease, treatment for sheep, branding, manufactured articles, grain, pesticides, coal mining, and weights and measures, making penalties applicable, and including applicability provisions. ([S-5164](#))

[Senate File 2318](#), A bill for an act relating to the Iowa health information network, providing for fees, and including effective date provisions. ([S-5165](#))

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 3:00 p.m. until 9:00 a.m., Wednesday, April 4, 2012.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Ingwer and Dorothy Carstensen, Preston—For celebrating their 60th wedding anniversary. Senator Bowman (4/3/12).

Bill and Mary Muck, Blairsburg—For celebrating their 50th wedding anniversary. Senator Bacon (4/3/12).

SUBCOMMITTEE ASSIGNMENT

[Senate File 2138](#)

APPROPRIATIONS: Danielson, Chair; Dix and Dvorsky

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 3rd day of April, 2012.

Senate Files 2038, 2137, 2165, 2220, 2231, and 2324.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

S-5159	H.F. 2399	Tom Hancock
S-5160	H.F. 2399	Tom Hancock
S-5161	S.F. 2237	Tim Kapucian Steven Sodders
S-5162	S.F. 2329	Mark Chelgren
S-5163	S.F. 2317	Kent Sorenson
S-5164	S.F. 2311	House
S-5165	S.F. 2318	House
S-5166	S.F. 2284	Herman C. Quirnbach
S-5167	H.F. 2337	William Dotzler